IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

RPFC.No. 202 of 2006()

MC.9/2005 of FAMILY COURT, THODUPUZHA
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REVISION PETITIONER/PETITIONER

GIJI, D/O.MATHACHAN, KALLOLICKAL HOUSE,
MANAKADU VILLAGE, ARIKUZHA.

BY ADV. SRI.S.KRISHNAN THAMPI
SRI.P.GIREESH KUMAR

RESPONDENTS: RESPONDENT
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1. SHABU S/O.PAULOSE,
MALAKKUDIYIL HOUSE,
KALAMPOORU, ENANELLOR VILLAGE.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.H.SIVARAMAN
SRI.MATHEW CHERIAN
SRI. RAVEENDRA BABU, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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R.P.(F.C) NO. 202 OF 2006

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Dated this the 4th day of December, 2007.

ORDER

The revision petitioner, who is the wife of the 1st respondent herein, challenges the order passed by the Family Court, Thodupuzha dismissing her application under Section 125 Cr.P.C.

2. The Family Court has held that as per Ext.D2 order dated 04.12.2002 in a compromise petition filed as M.C. No. 27/2000 before the Family Court, Ernakulam upon a divorce between the spouses, the revision petitioner had received a sum of Rs.60,000/- towards her share evidenced by Ext.D4 receipt dated 08.12.2003 and had also received a sum of Rs.25,000/- for relinquishing her right to claim future maintenance. It was ignoring and suppressing the above payments received by her that she filed M.C. No. 9/2005 before the Family Court again claiming future maintenance at the rate of Rs.2000/- per month.

3. The court below held that the petitioner, who had received Rs.25,000/- at the time of divorce for relinquishing her right to future maintenance and who had received a further amount of Rs.60,000/- towards her share, had suppressed the receipt of the said amounts in the present application for maintenance. It is true that the sum of

Rs.60,000/- was received by her towards her share. But then apart from suppressing the same, she did not offer any explanation regarding the manner of spending the said amount of Rs.60,000/-. If she had invested the said amount wisely, then the said amount would have definitely yielded recurring returns. That apart, a sum of Rs.25,000/- was received for relinquishing her right to future maintenance. The 1st respondent is eking out his livelihood by running an autorickshaw. It was taking into account the total receipt of Rs.85,000/- by the revision petitioner and her failure to explain the manner of investment of the said amount that the court below was persuaded to hold that the petitioner has not proved that she was unable to maintain herself so as to justify a claim for further maintenance from the 1st respondent. I do not find any good ground to interfere with the impugned order, which is accordingly confirmed. The revision is dismissed.

V. RAMKUMAR, JUDGE.

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